

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK-----X  
JACK SHAPIRO,

Plaintiff,

-against-


THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK,  
and ST. PATRICK'S CHURCH,Defendants.  
-----X

TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiff's attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York  
November 26, 2019

Yours etc.,  
GAIR, GAIR, CONASON, RUBINOWITZ, BLOOM,  
HERSHENHORN, STEIGMAN & MACKAUF  
Attorneys for Plaintiff

  
PETER J. SAGHIR  
80 Pine Street, 34<sup>th</sup> Floor  
New York, New York 10005  
(212) 943-1090

TO: See Attached Service Rider

SERVICE RIDER

THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK  
1011 1<sup>st</sup> Avenue  
New York, NY 10022

ST. PATRICK'S CHURCH  
55 Grand Street  
Newburgh, NY 12550

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
JACK SHAPIRO

Index No.: \_\_\_\_\_/19

Plaintiff,

-against-

VERIFIED COMPLAINT

THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK,  
and ST. PATRICK'S CHURCH,

Defendants.  
-----X

Plaintiff, complaining of the defendants, by and through his attorneys, GAIR,  
GAIR, CONASON, RUBINOWITZ, BLOOM, HERSHENHORN, STEIGMAN & MACKAUF,  
respectfully shows to this Court and alleges as follows:

1. Upon information and belief, that at all times herein mentioned, defendant, THE  
ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, was and still is a not for profit  
religious corporation duly organized and existing under and by virtue of the laws of the State of  
New York.

2. Upon information and belief, that at all times herein mentioned, defendant, THE  
ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, owned a church known as St.  
Patrick's Church located at 55 Grand Street, Newburgh, New York 12550.

3. Upon information and belief, that at all times herein mentioned, defendant, THE  
ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, its agents, servants and employees  
managed, maintained, operated and controlled the aforesaid church.

4. Upon information and belief, that at all times herein mentioned, defendant, THE  
ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, held itself out to the public as the  
owner of St. Patrick's Church.

5. Upon information and belief, that at all times herein mentioned, defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, held itself and its agents, servants and employees out to the public as those who managed, maintained, operated and controlled St. Patrick's Church.

6. Upon information and belief, that at all times herein mentioned, defendant, ST. PATRICK'S CHURCH, was and still is a not for profit religious corporation duly organized and existing under and by virtue of the laws of the State of New York.

7. Upon information and belief, that at all times herein mentioned, defendant, ST. PATRICK'S CHURCH, owned a church known as St. Patrick's Church located at 55 Grand Street, Newburgh, New York 12550.

8. Upon information and belief, that at all times herein mentioned, defendant, ST. PATRICK'S CHURCH, its agents, servants and employees managed, maintained, operated and controlled the aforesaid church.

9. Upon information and belief, that at all times herein mentioned, defendant, ST. PATRICK'S CHURCH, held itself out to the public as the owner of St. Patrick's Church.

10. Upon information and belief, that at all times herein mentioned, defendant, ST. PATRICK'S CHURCH, held itself and its agents, servants and employees out to the public as those who managed, maintained, operated and controlled St. Patrick's Church.

11. Upon information and belief, that at all times herein mentioned, Austin B. Vaughn was an Auxiliary Bishop.

12. Upon information and belief, Austin B. Vaughn is deceased.

13. Upon information and belief, that at all times herein mentioned, Austin B. Vaughn was ordained by defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW

YORK.

14. Upon information and belief, that at all times herein mentioned, Austin B. Vaughn was an Auxiliary Bishop in defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK.

15. Upon information and belief, that at all times herein mentioned, Austin B. Vaughn was a priest at St. Patrick's Church located at 55 Grand Street, Newburgh, New York 12550.

16. Upon information and belief, that at all times herein mentioned, Austin B. Vaughn was on the staff of defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK.

17. Upon information and belief, that at all times herein mentioned, Austin B. Vaughn was acting as an agent of defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK.

18. Upon information and belief, that at all times herein mentioned, Austin B. Vaughn was an employee of defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK.

19. Upon information and belief, that at all times herein mentioned, defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, installed Austin B. Vaughn as a pastor at St. Patrick's Church.

20. Upon information and belief, that at all times herein mentioned, defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, assigned Austin B. Vaughn to St. Patrick's Church.

21. Upon information and belief, that at all times herein mentioned, Austin B.

Vaughn served as a pastor at St. Patrick's Church at the pleasure of defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK.

22. Upon information and belief, that at all times herein mentioned, Austin B. Vaughn was acting in the course and scope of his employment with defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK.

23. Upon information and belief, that at all times herein mentioned, defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, hired Austin B. Vaughn.

24. Upon information and belief, that at all times herein mentioned, defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, retained Austin B. Vaughn.

25. Upon information and belief, that at all times herein mentioned, defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, supervised Austin B. Vaughn.

26. Upon information and belief, that at all times herein mentioned, Austin B. Vaughn was on the staff of defendant, ST. PATRICK'S CHURCH.

27. Upon information and belief, that at all times herein mentioned, Austin B. Vaughn was acting as an agent of defendant, ST. PATRICK'S CHURCH.

28. Upon information and belief, that at all times herein mentioned, Austin B. Vaughn was an employee of defendant, ST. PATRICK'S CHURCH.

29. Upon information and belief, that at all times herein mentioned, Austin B. Vaughn was acting in the course and scope of his employment with defendant, ST. PATRICK'S CHURCH.

30. Upon information and belief, that at all times herein mentioned, defendant, ST. PATRICK'S CHURCH, hired Austin B. Vaughn.

31. Upon information and belief, that at all times herein mentioned, defendant, ST.

PATRICK'S CHURCH, retained Austin B. Vaughn.

32. Upon information and belief, that at all times herein mentioned, defendant, ST. PATRICK'S CHURCH, supervised Austin B. Vaughn.

33. Upon information and belief, that at all times herein mentioned, Donald Whelan was a priest.

34. Upon information and belief, Donald Whelan is deceased.

35. Upon information and belief, that at all times herein mentioned, Donald Whelan was ordained by defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK.

36. Upon information and belief, that at all times herein mentioned, defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, installed Donald Whelan as administrator at St. Patrick's Church.

37. Upon information and belief, that at all times herein mentioned, defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, assigned Donald Whelan to St. Patrick's Church.

38. Upon information and belief, that at all times herein mentioned, Donald Whelan served as administrator at St. Patrick's Church at the pleasure of defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK.

39. Upon information and belief, that at all times herein mentioned, Donald Whelan was on the staff of defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK.

40. Upon information and belief, that at all times herein mentioned, Donald Whelan was acting as an agent of defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK.

41. Upon information and belief, that at all times herein mentioned, Donald Whelan



was an employee of defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK.

42. Upon information and belief, that at all times herein mentioned, Donald Whelan was acting in the course and scope of his employment with defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK.

43. Upon information and belief, that at all times herein mentioned, defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, hired Donald Whelan.

44. Upon information and belief, that at all times herein mentioned, defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, retained Donald Whelan.

45. Upon information and belief, that at all times herein mentioned, defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, supervised Donald Whelan.

46. Upon information and belief, that at all times herein mentioned, Donald Whelan was on the staff of defendant, ST. PATRICK'S CHURCH.

47. Upon information and belief, that at all times herein mentioned, Donald Whelan was acting as an agent of defendant, ST. PATRICK'S CHURCH.

48. Upon information and belief, that at all times herein mentioned, Donald Whelan was an employee of defendant, ST. PATRICK'S CHURCH.

49. Upon information and belief, that at all times herein mentioned, Donald Whelan was acting in the course and scope of his employment with defendant, ST. PATRICK'S CHURCH.

50. Upon information and belief, that at all times herein mentioned, defendant, ST. PATRICK'S CHURCH, hired Donald Whelan.

51. Upon information and belief, that at all times herein mentioned, defendant, ST. PATRICK'S CHURCH, retained Donald Whelan.



52. Upon information and belief, that at all times herein mentioned, defendant, ST. PATRICK'S CHURCH, supervised Donald Whelan.

53. Upon information and belief, that at all times herein mentioned, defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, was responsible for the staffing and hiring at St. Patrick's Church located at 55 Grand Street, Newburgh, New York 12550.

54. Upon information and belief, that at all times herein mentioned, defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, did the hiring and staffing at St. Patrick's Church located at 55 Grand Street, Newburgh, New York 12550.

55. Upon information and belief, that at all times herein mentioned, defendant, ST. PATRICK'S CHURCH, was responsible for the staffing and hiring at St. Patrick's Church located at 55 Grand Street, Newburgh, New York 12550.

56. Upon information and belief, that at all times herein mentioned, defendant, ST. PATRICK'S CHURCH, did the hiring and staffing at St. Patrick's Church located at 55 Grand Street, Newburgh, New York 12550.

57. Upon information and belief, that at all times herein mentioned, Austin B. Vaughn was responsible for the staffing and hiring at St. Patrick's Church located at 55 Grand Street, Newburgh, New York 12550.

58. Upon information and belief, that at all times herein mentioned, Austin B. Vaughn did the hiring and staffing at St. Patrick's Church located at 55 Grand Street, Newburgh, New York 12550.

59. Upon information and belief, that at all times herein mentioned, Austin B. Vaughn had complaints of sexual abuse made against him.

60. Upon information and belief, that at all times herein mentioned, defendants, their

agents, servants and employees knew or should have known of the aforesaid complaints of sexual abuse against Austin B. Vaughn.

61. Upon information and belief, that at all times herein mentioned, Austin B. Vaughn was a known sexual abuser of children.

62. Upon information and belief, that at all times herein mentioned, defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, received complaints that Austin B. Vaughn had been a sexual abuser of children.

63. Upon information and belief, that at all times herein mentioned, defendant, ST. PATRICK'S CHURCH, received complaints that Austin B. Vaughn, had been a sexual abuser of children.

64. Upon information and belief, that at all times herein mentioned, defendants, their agents, servants and employees, knew or should have known that Austin B. Vaughn had been the subject of complaints of sexual abuse.

65. Upon information and belief, that at all times herein mentioned, defendants, their agents, servants and employees, knew or should have known that Austin B. Vaughn was a known sexual abuser of children.

66. Upon information and belief, that at all times herein mentioned, defendants, their agents, servants and employees, could reasonably have anticipated that Austin B. Vaughn's sexual abuse complaints and sexual abuse of children would be likely to result in injury to others.

67. Upon information and belief, that at all times herein mentioned, defendants, their agents, servants and employees failed to investigate the aforesaid complaints against Austin B. Vaughn.

68. Upon information and belief, that at all times herein mentioned, defendants, their

agents, servants and employees failed to properly, adequately and thoroughly investigate the aforesaid complaints against Austin B. Vaughn.

69. Upon information and belief, that at all times herein mentioned, defendants, their agents, servants and employees failed to report or refer the aforesaid complaints made against Austin B. Vaughn to the police or any other agency to be investigated.

70. Upon information and belief, that at all times herein mentioned, defendants, their agents, servants and employees carelessly, negligently and recklessly ignored and dismissed the aforesaid complaints against Austin B. Vaughn.

71. Upon information and belief, that at all times herein mentioned, the aforesaid complaints against Austin B. Vaughn had merit.

72. Upon information and belief, that at all times herein mentioned, defendants, their agents, servants and employees, knew or should have known that the aforesaid complaints against Austin B. Vaughn had merit.

73. Upon information and belief, that at all times herein mentioned, Donald Whelan had complaints of sexual abuse made against him.

74. Upon information and belief, that at all times herein mentioned, defendants, their agents, servants and employees knew or should have known of the aforesaid complaints of sexual abuse against Donald Whelan.

75. Upon information and belief, that at all times herein mentioned, Donald Whelan was a known sexual abuser of children.

76. Upon information and belief, that at all times herein mentioned, defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, received complaints that Donald Whelan had been a sexual abuser of children.

77. Upon information and belief, that at all times herein mentioned, defendant, ST. PATRICK'S CHURCH, received complaints that Donald Whelan had been a sexual abuser of children.

78. Upon information and belief, that at all times herein mentioned, Austin B. Vaughn received complaints that Donald Whelan had been a sexual abuser of children.

79. Upon information and belief, that at all times herein mentioned, defendants, their agents, servants and employees, knew or should have known that Donald Whelan had been the subject of complaints of sexual abuse.

80. Upon information and belief, that at all times herein mentioned, defendants, their agents, servants and employees, knew or should have known that Donald Whelan was a known sexual abuser of children.

81. Upon information and belief, that at all times herein mentioned, defendants, their agents, servants and employees, could reasonably have anticipated that Donald Whelan's sexual abuse complaints and sexual abuse of children would be likely to result in injury to others.

82. Upon information and belief, that at all times herein mentioned, defendants, their agents, servants and employees failed to investigate the aforesaid complaints against Donald Whelan.

83. Upon information and belief, that at all times herein mentioned, defendants, their agents, servants and employees failed to properly, adequately and thoroughly investigate the aforesaid complaints against Donald Whelan.

84. Upon information and belief, that at all times herein mentioned, defendants, their agents, servants and employees failed to report or refer the aforesaid complaints made against Donald Whelan to the police or any other agency to be investigated.

85. Upon information and belief, that at all times herein mentioned, defendants, their agents, servants and employees carelessly, negligently and recklessly ignored and dismissed the aforesaid complaints against Donald Whelan.

86. Upon information and belief, that at all times herein mentioned, the aforesaid complaints against Donald Whelan had merit.

87. Upon information and belief, that at all times herein mentioned, defendants, their agents, servants and employees, knew or should have known that the aforesaid complaints against Donald Whelan had merit.

88. That at all times herein mentioned, defendants, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, and, ST. PATRICK'S CHURCH, failed to establish policies and procedures directed towards protecting minors from sexual abuse.

89. That at all times herein mentioned, plaintiff, JACK SHAPIRO was a parishioner at St. Patrick's Church located at 55 Grand Street, Newburgh, New York 12550.

90. From approximately 1979 to 1984 Donald Whelan sexually abused plaintiff, JACK SHAPIRO, while plaintiff was still an infant, on church property at St. Patrick's Church located at 55 Grand Street, Newburgh, New York 12550, and other locations.

91. From approximately 1979 to 1984 Austin B. Vaughn sexually abused plaintiff, JACK SHAPIRO, while plaintiff was still an infant, on church property at St. Patrick's Church located at 55 Grand Street, Newburgh, New York 12550, and other locations.

92. The aforesaid abuse constituted a sexual offense as defined in article one hundred thirty of the penal law committed against a child less than eighteen years of age, or the use of a child in a sexual performance as defined in section 263.05 of the penal law, or a predecessor statute that prohibited such conduct at the time of the act, which conduct was committed against

a child less than eighteen years of age.

93. From approximately 1979 to 1984 defendants, their agents, servants and employees knew or should have known that Donald Whelan and Austin B. Vaughn were sexually abusing plaintiff, JACK SHAPIRO, while plaintiff was still an infant.

94. From approximately 1979 to 1984 defendants, their agents, servants and employees knew or should have known that Donald Whelan and Austin B. Vaughn were sexually abusing plaintiff, JACK SHAPIRO, while plaintiff was still an infant, on church property at St. Patrick's Church located at 55 Grand Street, Newburgh, New York 12550, and other locations.

95. Upon information and belief, that at all times herein mentioned, defendants, their agents, servants and employees knew or should have known that the sexual abuse by Donald Whelan and Austin B. Vaughn of plaintiff, JACK SHAPIRO, while plaintiff was still an infant, was ongoing.

96. Defendants, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, and, ST. PATRICK'S CHURCH, trained and instructed Donald Whelan for his employment at St. Patrick's Church.

97. Defendants, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, and, ST. PATRICK'S CHURCH, trained and instructed Austin B. Vaughn for his employment at St. Patrick's Church.

98. Upon information and belief, that at all times herein mentioned Donald Whelan was under the direct supervision and control of defendants, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, and, ST. PATRICK'S CHURCH, when he performed the wrongful acts described herein.



99. That the aforesaid occurrences were caused or contributed to by the negligence, carelessness and recklessness and the willful, wanton, and grossly negligent conduct of the defendants, their agents, servants and/or employees, in: selecting, hiring, contracting and retaining Donald Whelan to work with the plaintiff while plaintiff was still an infant and other children when it was known or should have been known to the defendants herein that Donald Whelan had a history of complaints made against him and a propensity to sexually abuse children and in fact had sexually abused children; selecting, hiring, contracting and retaining Donald Whelan when it was known or should have been known to the defendants herein that he did not possess the requisite skills or qualifications to work with children; failing to properly and adequately supervise the conduct of Donald Whelan as it related to the plaintiff while plaintiff was still an infant and other children when it was known or should have been known to the defendants herein that Donald Whelan had a history of complaints made against him and a propensity to sexually abuse children and in fact had sexually abused children; failing to warn or advise the plaintiff, who was still an infant, his parents and others of Donald Whelan's propensity to sexually abuse children and of the fact that he had sexually abused children whom he came in contact with by and through his roles at St. Patrick's Church; causing, permitting and allowing the sexual abuse to continue; failing to take any measures to stop the sexual abuse when it was known or should have been known to the defendants herein that the sexual abuse was continuing and ongoing; failing to establish adequate and effective professional training and educational programs and procedures for their employees calculated to prevent the sexual abuse of children; failing to implement any measures or take any steps to prevent Donald Whelan from sexually abusing the plaintiff while the plaintiff was still an infant when it was known or should have been known to the defendants herein that Donald Whelan had a history of complaints of



sexual abuse made against him and a propensity to sexually abuse children and in fact had sexually abused children; failing to make any inquiry into the background of Donald Whelan before selecting, hiring, contracting and retaining him; failing to make any inquiry into the background of Donald Whelan before selecting, hiring, contracting and retaining him when it was known or should have been known before he was hired that Donald Whelan had a propensity to sexually abuse children and had a history of complaints made against him; failing to use reasonable care to correct and remove Donald Whelan and continuing to retain him when it was known or should have been known to the defendants herein that Donald Whelan had a history of complaints made against him and a propensity to sexually abuse children and in fact had sexually abused children and was sexually abusing children and that continuing to retain him would be likely to result in injury to others, including the plaintiff while plaintiff was still an infant; causing, permitting and allowing the plaintiff to be sexually abused while plaintiff was still an infant; and in otherwise being careless, negligent and reckless.

100. Upon information and belief, that at all times herein mentioned Austin B. Vaughn was under the direct supervision and control of defendants, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, and, ST. PATRICK'S CHURCH, when he performed the wrongful acts described herein.

101. That the aforesaid occurrences were caused or contributed to by the negligence, carelessness and recklessness and the willful, wanton, and grossly negligent conduct of the defendants, their agents, servants and/or employees, in: selecting, hiring, contracting and retaining Austin B. Vaughn to work with the plaintiff while plaintiff was still an infant and other children when it was known or should have been known to the defendants herein that Austin B. Vaughn had a history of complaints made against him and a propensity to sexually abuse

children and in fact had sexually abused children; selecting, hiring, contracting and retaining Austin B. Vaughn when it was known or should have been known to the defendants herein that he did not possess the requisite skills or qualifications to work with children; failing to properly and adequately supervise the conduct of Austin B. Vaughn, as it related to the plaintiff while plaintiff was still an infant and other children when it was known or should have been known to the defendants herein that Austin B. Vaughn had a history of complaints made against him and a propensity to sexually abuse children and in fact had sexually abused children; failing to warn or advise the plaintiff, who was still an infant, his parents and others of Austin B. Vaughn's propensity to sexually abuse children and of the fact that he had sexually abused children whom he came in contact with by and through his roles at St. Patrick's Church; causing, permitting and allowing the sexual abuse to continue; failing to take any measures to stop the sexual abuse when it was known or should have been known to the defendants herein that the sexual abuse was continuing and ongoing; failing to establish adequate and effective professional training and educational programs and procedures for their employees calculated to prevent the sexual abuse of children; failing to implement any measures or take any steps to prevent Austin B. Vaughn from sexually abusing the plaintiff while the plaintiff was still an infant when it was known or should have been known to the defendants herein that Austin B. Vaughn had a history of complaints of sexual abuse made against him and a propensity to sexually abuse children and in fact had sexually abused children; failing to make any inquiry into the background of Austin B. Vaughn before selecting, hiring, contracting and retaining him; failing to make any inquiry into the background of Austin B. Vaughn before selecting, hiring, contracting and retaining him when it was known or should have been known before he was hired that Austin B. Vaughn had a propensity to sexually abuse children and had a history of complaints made against him; failing

to use reasonable care to correct and remove Austin B. Vaughn and continuing to retain him when it was known or should have been known to the defendants herein that Austin B. Vaughn had a history of complaints made against him and a propensity to sexually abuse children and in fact had sexually abused children and was sexually abusing children and that continuing to retain him would be likely to result in injury to others, including the plaintiff while plaintiff was still an infant; causing, permitting and allowing the plaintiff to be sexually abused while plaintiff was still an infant; and in otherwise being careless, negligent and reckless.

102. By reason of the forgoing, plaintiff, JACK SHAPIRO, sustained physical and psychological injuries, including but not limited to, severe emotional distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil, and loss of faith, a severe shock to his nervous system, certain internal injuries and has been caused to suffer physical pain and mental anguish, emotional and psychological damage as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature; and plaintiff, JACK SHAPIRO, has been forced to abstain from the duties at his vocation, and has and/or will become obligated to expend sums of money for medical expenses.

103. That by reason of the foregoing, defendants are liable to plaintiff for punitive and exemplary damages.

104. That the amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

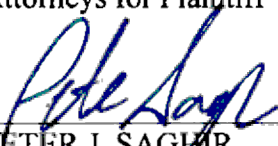
105. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(5), 1602(7) and 1602(11).

WHEREFORE, the plaintiff demands judgment against the defendants, together with

compensatory and punitive damages, together with the interest, cost, and disbursements pursuant to the causes of action herein.

Dated: New York, New York  
November 26, 2019

Yours etc.,  
GAIR, GAIR, CONASON, RUBINOWITZ, BLOOM,  
HERSHENHORN, STEIGMAN & MACKAUF  
Attorneys for Plaintiff

  
PETER J. SAGAR  
80 Pine Street 34<sup>th</sup> Floor  
New York, New York 10005  
(212) 943-1090

STATE OF NEW YORK     )  
                                      ) ss.:  
COUNTY OF NEW YORK    )

PETER J. SAGHIR, an attorney at law licensed to practice in the courts of the State of New York, states that affirmant is a partner with the firm of Gair, Gair, Conason, Rubinowitz, Hershenhorn, Bloom, Steigman & Mackauf, attorneys for the plaintiff in the within action; that affirmant has read the foregoing

VERIFIED COMPLAINT

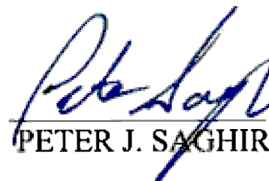
and knows the contents thereof; and that the same is true to affirmant's own knowledge except as to those matters therein stated to be alleged on information and belief and that as to those matters, affirmant believes them to be true.

Affirmant further states that the reason this verification is made by affirmant and not by the plaintiff is that the plaintiff is not within the County wherein affirmant maintains his office.

The grounds of affirmant's belief are investigation and data in affirmant's possession and consultations had with the plaintiff.

The undersigned affirms that the foregoing statements are true under penalty of perjury.

Dated: New York, New York  
November 26, 2019

  
PETER J. SAGHIR